

**United States Court of Appeals
for the Eighth Circuit**

**A.D. Smith; Herman Privett;
Lillie Burnette; L.V. Applewhite;
Johnny Leon; James Leon;
Velma Metcalf; Brenda Summers;
Myrtle Jordan; Ethel Watson;
Lynette Duncan; Donna Henard;
Ruth Ward; Joann Thomas;
Arkansas Department of Education**

v. Case No. 13-1816

**Board of Education
of the Palestine-Wheatley School District;
Fred Johnson; Fred Cowan;
Harold Gore; Ransom Smith;
Ann Long; Greg Stewart;
Terrie McGraw; Donald Huckaby;
Brent Howtan;
St. Francis County Board of Education;
John Clifton,
Member of the St. Francis County Board of Education;
Bill Jayroe,
Member of the St. Francis County Board of Education,
Thomas McDaniel,
Member of the St. Francis County Board of Education;
Fairy A. Owens,
Member of the St. Francis County Board of Education;
Linda A. Wies,
Member of the St. Francis County Board of Education;
St. Francis County Election Commission;**

**Luther Lieblong,
Chairman of the St. Francis County Election Commission;
Kersh Hall,
Member of the St. Francis County Election Commission;
Steve Hollowell,
Member of the St. Francis County Election Commission;**

The Appellants' Designation and Statement of Issues

The core issue the Appellants will argue on appeal is that the district court abused its discretion when it granted the Palestine-Wheatley School District Board's ("Board") motion to modify or terminate the consent decree because the Board failed to comply with its affirmative duty to desegregate, and to eliminate, to the extent practicable, the vestiges of discrimination.

Respectfully submitted,

/s/ John W. Walker

Ark. Sup. Ct. Reg. No. 64046

John W. Walker, P.A.

1723 Broadway Street

Little Rock, Arkansas 72206-1220

Telephone (501) 374-3758

Facsimile (501) 374-4187

Email johnwalkeratty@aol.com

/s/ Terrence Cain

Ark. Sup. Ct. Reg. No. 99128

Attorney at Law

208 Brown Street

Little Rock, Arkansas 72205-5841

Telephone (501) 664-7512

Facsimile (501) 664-6013

Email terrencecain@windstream.net

Certificate of Service

We certify that on April 30, 2013, we electronically filed this THE APPELLANTS' DESIGNATION AND STATEMENT OF ISSUES with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. We certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ John W. Walker

John W. Walker

/s/ Terrence Cain

Terrence Cain